



0000013413

25 H

BEFORE THE ARIZONA CORPORATION COMMISSION

JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER
MARC SPITZER
COMMISSIONER

2001 JAN -8 P 1:59

JAN 08 2001

AZ CORP COMMISSION
DOCUMENT CONTROL



IN THE MATTER OF THE APPLICATION OF
BLACK MOUNTAIN GAS COMPANY, CAVE
CREEK OPERATIONS, FOR A HEARING TO
DETERMINE THE EARNING OF THE
COMPANY, THE FAIR VALUE OF THE
COMPANY FOR RATEMAKING PURPOSES, TO
FIX A JUST AND REASONABLE RATE OF
RETURN THEREON AND TO APPROVE RATE
SCHEDULES.

DOCKET NO. G-03703A-00-0283

PROCEDURAL ORDER

BY THE COMMISSION:

On April 28, 2000, Black Mountain Gas Company – Cave Creek Operations (“BMGC” or “Company”) filed with the Arizona Corporation Commission (“Commission”) a rate application.

On May 26, 2000, the Utilities Division (“Staff”) of the Commission filed a letter indicating that BMGC’s rate application was sufficient and classifying the utility as a Class A utility.

On May 30, 2000, the Residential Utility Consumer Office (“RUCO”) filed a Motion for Leave to Intervene. There has been no opposition to the request to intervene.

On June 20, 2000, the Commission issued the Amended Rate Case Procedural Order “ARC Order”) which granted intervention to RUCO and set forth the dates for hearing and for the filing of testimony.

On December 8, 2000, BMGC, RUCO and Staff filed what was captioned “Stipulation Between Parties to Extend Service” (“Stipulation”). The parties stipulated that the following dates be moved and/or extended: (1) time to file rebuttal from December 20, 2000 to December 29, 2000; (2) time to file surrebuttal to January 18, 2001; (3) time to file rejoinder to January 25, 2001; and (4) date for hearing to be set from January 18, 2001 to January 28, 2001.

On December 11, 2000, the Commission, by Procedural Order approved the Stipulation and extended the filing dates of the ARC Order and continued the hearing dates for the evidentiary portion of the hearing.

1 On December 26, 2000, BMGC, RUCO and Staff filed a second Stipulation. The parties
2 stipulated that the following filing/hearing dates be moved and/or extended: (1) time to file rebuttal
3 from December 29, 2000 to January 8, 2001; (2) time to file surrebuttal to January 29, 2001; (3) time
4 to file rejoinder to February 5, 2001; (4) date for prehearing conference to be reset from January 29,
5 2001 to February 8, 2001; and the date for an evidentiary hearing be reset from January 31, 2001 to
6 February 12, 2001 or as soon thereafter as the may be heard.

7 On January 4, 2001, by Procedural Order, the Commission approved the second Stipulation
8 and extended the filing dates of the ARC Order and continued the hearing dates for the evidentiary
9 portion of the hearing.

10 On January 5, 2001, BMGC, RUCO and Staff filed what was captioned "Stipulation Between
11 Parties to Vacate Hearing" ("Stipulation to Vacate"). The parties stipulated that the evidentiary
12 hearing dates and deadlines for filing testimony should be vacated pending notification to the
13 Administrative Law Judge of the need to reset the matter to take evidence on a formal settlement
14 agreement which has been reached in principal, and is in the process of being drafted.

15 Accordingly, the Stipulation to Vacate should be approved. However, since BMGC has
16 previously provided public notice that the proceeding is to be held on January 23, 2001 at 10:00 a.m.,
17 the proceeding will be initially convened on that date as scheduled for the taking of public comment
18 after which following notification to the Administrative Law Judge that the parties are prepared to go
19 forward the proceeding will be rescheduled to convene for the evidentiary portion of the proceeding
20 where the merits of the proposed settlement will be presented.

21 IT IS THEREFORE ORDERED that the hearing in the above-captioned matter shall
22 commence on January 23, 2001 at 10:00 a.m., or as soon thereafter as is practical, at the
23 Commission's offices in Phoenix, 1200 West Washington Street, Phoenix, Arizona 85007 for the
24 purpose of taking public comment.

25 IT IS FURTHER ORDERED that the evidentiary hearing dates of February 12, 13 and 14,
26 2001 be, and are hereby, vacated.

27 IT IS FURTHER ORDERED that the pre-hearing conference date of February 8, 2001 be,
28 and is hereby, vacated.


1 IT IS FURTHER ORDERED that any dates for the filing of any form of testimony and
2 associated exhibits be, and are hereby, vacated.

3 IT IS FURTHER ORDERED that the parties shall provide notice to the Administrative Law
4 Judge at the time they are ready to go forward with a hearing on the merits of the settlement
5 agreement together with any other related stipulations such as whether a pre-hearing conference will
6 be necessary to conclude the matter and any proposed hearing date.

7 IT IS FURTHER ORDERED that all remaining Orders of the Amended Rate Care Procedural
8 Order as set forth therein shall remain in effect.

9 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
10 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

11 DATED this 8TH day of January, 2001.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

12
13
14
15
16
17 Copies of the foregoing mailed/delivered
this 8TH day of January, 2001 to:

18
19 James H. Willson
20 BLACK MOUNTAIN GAS CO.
21 P.O. Box 427
22 Cave Creek, Arizona 85327

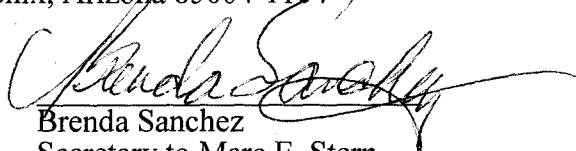
23 Timothy Berg
24 FENNEMORE CRAIG
25 3003 N. Central Avenue, Suite 2600
26 Phoenix, Arizona 85012
27 Attorneys for Black Mountain Gas Co.

28 Scott S. Wakefield, Chief Counsel
RUCO
2828 North Central Avenue, Suite 1200
Phoenix, Arizona 85004

1 Lyn Farmer, Chief Counsel
Legal Division
2 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
3 Phoenix, Arizona 85007

4 Deborah Scott, Director
Utilities Division
5 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
6 Phoenix, Arizona 85007

7 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
8 Phoenix, Arizona 85004-1104

9 By: 
10 Brenda Sanchez
11 Secretary to Marc E. Stern
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28